UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,107	10/30/2006	Satoshi Hashimoto	P30026	2090

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
DANG, HUNG Q

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
12/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2006*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-7* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *31 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 08/23/2006 fails to comply with 37

CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document;

each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. It has been placed in the

application file, but the information referred to therein has not been considered.

The document designated with 2001-092971 with its English Language Abstract

cannot be found. The designated document number cannot locate the document.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-4, and 6-7 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jung et al. (US Patent 7,401,100) and Kikuchi et al. (US Patent

5,870,523).

Regarding claim 1, Jung et al. disclose a playback apparatus for playing a video

stream recorded on a recording medium (column 3, lines 32-35), the recording medium

including a computer program that is to be executed during playback of the video

stream (column 3, lines 32-35; column 4, lines 62—column 5, line 6; column 7, lines 34-

44), the video stream including control information in form of VOBU time tables (column

6, lines 56-63), and the computer program including predetermined codes for designating a plurality of images and time information in form of VOBU corresponding to each image (column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-63), the playback apparatus comprising: a storage memory ("Content Buffer 12" in Fig. 1); a player operable to successively play the video according to the control information (column 6, lines 56-63); a program executer operable to interpret and execute the predetermined codes for the designated plurality of images and the time table in form of VOBU corresponding to each image in the storage memory (column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-67; column 3, lines 36-38; "Content Buffer 12" in Fig. 1); an image selector operable to select at least one image of the plurality of images based on (a) the VOBU time table of the video included in the control information, and (b) time information in form of VOBU corresponding to each image stored in the storage memory (column 4, lines 49-51; column 6, lines 56-67); and a renderer operable to render the selected at least one image during playback of the video (column 4, lines 51-55).

However, Jung et al. do not explicitly disclose the time table in form of VOBU for specifying a playback timing of video of the video stream, and the time table in form of VOBU comprises rendition time corresponding to each image.

Kikuchi et al. disclose the video stream including control information as time table in form of VOBU for specifying a playback timing of video of the video stream (column 18, line 44 – column 9, line 4), and the time table in form of VOBU comprises rendition time corresponding to each VOBU (column 18, line 44 – column 9, line 4).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the time table in form of VOBU for specifying a playback timing of video of the video stream and comprising rendition time disclosed by Kikuchi et al. in order to make the playback apparatus capable of playing back video streams and images in accordance with MPEG existing standards.

Regarding claim 3, Kikuchi et al. also disclose each rendition time designated by the predetermined codes comprise a rendition start time and a rendition end time (column 18, line 44 – column 9, line 4). Jung et al., in combination with Kikuchi et al. as described above, also discloses wherein the image selector selects the at least one image based on the playback timing of the video and a corresponding rendition time range defined by the rendition start time through the rendition end time (column 4, lines 49-51; column 6, lines 63-65; column 6, lines 56-67).

Regarding claim 4, Jung et al., in combination with Kikuchi et al., also disclose the control information further includes condition information that shows a predetermined condition judgment criterion corresponding to at least one rendition time (Jung et al., column 3, lines 42-48, 56-60; Kikuchi et al., column 18, line 44 – column 9, line 4), and wherein the image selector selects the at least one image only when (a) a predetermined relationship is satisfied between the rendition time of the selected at least one image and the playback timing, (b) the corresponding predetermined condition is satisfied (Jung et al., column 4, lines 49-51; column 6, lines 56-67; Kikuchi et al., column 18, line 44 – column 9, line 4).

Regarding claim 6, Jung et al. also disclose the condition information includes information for specifying playback speed (column 5, lines 27-30; column 6, lines 17-20), wherein the player selects one of a plurality of playback speeds, and performs playback in accordance with the selected playback speed (column 5, lines 27-30; column 6, lines 17-20), and wherein the predetermined condition relating to the selection by the image selection unit is a condition that the playback speed selected by the player for the video being played matches the playback speed designated by condition information in correspondence with the playback timing (column 5, lines 27-30; column 6, lines 17-25).

Regarding claim 7, Jung et al. also disclose the predetermined codes further designate image identifiers ("object_id" in Fig. 3; "object_data" in Fig. 4 and Fig. 6), each image corresponding to an image identifier ("object_id" in Fig. 3; "object_data" in Fig. 4 and Fig. 6), wherein the program executer interprets and executes the predetermined codes by storing each designated image identifier in the storage memory in correspondence with the corresponding image (column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-67; column 3, lines 36-38; "Content Buffer 12" in Fig. 1), wherein the condition information includes an image identifier ("object_id" in Fig. 3; "object_data" in Fig. 4 and Fig. 6), and wherein the image selector selects the at least one image only when the image identifier stored in correspondence with the image matches the image identifier in the condition information ("object_id" in Fig. 3; "object_data" in Fig. 4 and Fig. 6; column 4, lines 1-3; column 6, lines 22-25).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. (US Patent 7,401,100) and Kikuchi et al. (US Patent 5,870,523) as applied to claims 1, 3-4, and 6-7 above, and further in view of Takeuchi (US Patent 5,973,706).

Regarding claim 2, see the teachings of Jung et al. as discussed in claim 1 above. Further, Jung et al. also disclose a processor (column 3, lines 42-44); the program executer interprets and executes the predetermined codes that are executable by the processor (column 3, lines 56-66), and causing the processor to execute the codes (column 4, lines 1-15); and wherein the renderer renders the selected at least one image by transferring the selected at least one image from the storage memory to the display (column 3, lines 32-38; column 4, lines 46-55).

However, Jung et al. do not disclose an image memory for storing images to be displayed on a screen and converting the codes into machine language instructions that are executable by the processor, and causing the processor to execute the instructions; and wherein the image selector selects the at least one image by causing the processor to execute predetermined comparison-use machine language instruction sets.

Takeuchi discloses an image memory for storing images to be displayed on a screen (column 34, lines 44-47).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the image memory disclosed by Takeuchi into the playback apparatus disclosed by Jung et al. in order to avoid interruption of the monitor output function (Takeuchi, column 3, lines 26-29).

However, the proposed combination of Jung et al. and Takeuchi does not disclose converting the codes into machine language instructions that are executable by the processor, and causing the processor to execute the instructions; and wherein the processor is caused to execute predetermined comparison-use machine language instruction sets.

Converting high-level language codes into machine language instructions that are executable by the processor, and causing the processor to execute the instructions using predetermined comparison-use machine language instruction sets to select a branch of control (for example, EQU instruction is used to compare two values stored in two different registers) is well known in the art. Thus, Official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the step of converting high-level language codes into machine language instructions that are executable by the processor, and causing the processor to execute the instructions using predetermined comparison-use machine language instruction sets for selecting branches of control into the playback apparatus disclosed by Jung et al. and Takeuchi in order to make the code executable by the machine. The incorporated feature would allow developers to develop high-level machine-independent codes to be executed on different platforms without dealing with low-level machine instructions that are difficult to understand.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. (US Patent 7,401,100) and Kikuchi et al. (US Patent 5,870,523) as applied to

claims 1, 3-4, and 6-7 above, and further in view of Okabe et al. (US Patent 6,572,475).

Regarding claim 5, see the teachings of Jung et al. and Kikuchi et al. as discussed in claim 4 above. Further, Jung et al. also disclose the predetermined codes are for further designating sets of image rendition coordinates (Fig. 3; Fig. 4; Fig. 6), each image corresponding to a set of image rendition coordinates (Fig. 3; Fig. 4; Fig. 6), wherein the program executer interprets and executes the predetermined codes by storing, in the storage memory, each designated set of image rendition coordinates with the corresponding image (column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-67; column 3, lines 36-38; "Content Buffer 12" in Fig. 1).

However, the proposed combination of Jung et al. and Kikuchi et al. does not disclose the condition information includes a set of coordinates, and wherein the image selector selects the at least one image only when the set of image rendition coordinates stored in correspondence with the image and the set of coordinates in the condition information are within a predetermined proximity of each other.

Okabe et al. disclose a game device for displaying a sound source object on a screen (abstract), in which the condition information includes a set of coordinates (column 4, lines 26-32; column 13, lines 49-55), and wherein the image selector selects the at least one image only when the set of image rendition coordinates stored in correspondence with the image and the set of coordinates in the condition information are within a predetermined proximity of each other (column 4, lines 26-32; column 13, lines 49-55).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the condition information and the step of selecting the image accordingly disclosed by Okabe et al. into the playback apparatus disclosed by Jung et al. and Kikuchi et al. to produce an interactive game product. The incorporated feature would help reduce the production of unnecessary sounds by an invisible sound source (Okabe et al., column 4, lines 36-37) obtaining a sound effect full of realistic excitement (Okabe et al., column 3, lines 57-58).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621